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9 Attorneys for Judgment Creditor
JANINA M. ELDER, TRUSTEE

10 UNITED STATES BANKRUPTCY COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 In re:
14 SAND HILL CAPITAL PARTNERS III,
LLC, a California limited liability company,
15 Debtor.

Chapter 7

No. 08-30989 TC

17 JANINA M. ELDER, Trustee of the
18 Bankruptcy Estate of Sand Hill Capital
Partners III, LLC, a California limited
19 liability company, Debtor,
20 Plaintiff,

Adv. Pro. No. 09-03109 TC

DECLARATION OF JEREMY A. BURNS IN
SUPPORT OF MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT OF
TRUSTEE'S APPLICATION FOR ORDER
OF CONTEMPT

21 vs.

22 GARY THORNHILL, an individual,
23 Defendant.

REDACTED

24 I, Jeremy A. Burns, declare:

25 1. I am an attorney with Carr, McClellan, Ingersoll, Thompson & Horn Professional
26 Corporation, attorneys of record for Plaintiff and Judgment Creditor Janina M. Elder, Trustee
27 ("Trustee").

28 2. Trustee is the duly appointed, qualified and acting Trustee of the bankruptcy

1 estate of Sand Hill Capital Partners III, LLC, Debtor.

2 3. On February 10, 2010, a judgment in the amount of \$700,000 ("Judgment") was
3 entered in favor of Trustee against Defendant Gary Thornhill ("Thornhill").

4 4. The judgment against Thornhill has not been paid, satisfied, vacated, reversed or
5 barred by the statute of limitation.

6 5. On April 26, 2010, the Court issued the following Order:

7 IT IS ORDERED that Gary Thornhill shall provide the documents listed in Exhibit
8 2 to the Declaration of Jeremy A. Burns in Support of Application for Order of
9 Examination and Written Discovery Pursuant to Rule 69 ("Burns Declaration") to
10 the Trustee's attorneys at the address set forth above within 35 days of service.
Gary Thornhill shall also respond to the interrogatories listed in Exhibit 3 to the
Burns Declaration within 35 days of service. Finally, Gary Thornhill shall testify
before this Court on June 4, 2010 in Courtroom 23 at 10:00 a.m.

11 6. On June 1, 2010, Greg Charles, Mr. Thornhill's attorney, contacted me. He
12 requested that the Order of Examination be held outside of the Court. In turn, I requested that
13 the documents be produced the following week, and that the Order of Examination be held on
14 June 23 or June 24 at my offices. Immediately after our phone conversation, I sent an email to
15 Mr. Charles to memorialize our conversation. I attach as **Exhibit 1** a copy of my June 1, 2010
16 email to Mr. Charles. I used his email address at gcharles@campeaulaw.com, which is the email
17 address listed on the State Bar of California's website for Mr. Charles.

18 7. On June 7, 2010, I sent an email requesting confirmation as to whether the 23rd or
19 the 24th worked. I attach as **Exhibit 2** a copy of my June 7, 2010 email to Mr. Charles. I also
20 called Mr. Charles on June 8, 2010 and left him a voicemail message asking him to call me.

21 8. On June 11, 2010, I sent an email to Mr. Charles complaining that he had failed to
22 respond to my emails requesting confirmation as to whether the 23rd or the 24th worked. I attach
23 as **Exhibit 3** a copy of my June 11, 2010 email to Mr. Charles.

24 9. On June 18, 2010, I left another voicemail for Mr. Charles demanding that he call
25 me immediately to discuss the Order of Examination.

26 10. On June 22, 2010, I sent an email to Mr. Charles advising him that I would
27 request that the Court hold his client in contempt of Court. I attach as **Exhibit 4** a copy of my
28 June 22, 2010 email to Mr. Charles.

JAB DECL ISO APP. FOR CONTEMPT

11. Finally, on June 30, 2010, Mr. Charles produced 12 pages of financial information pertaining to the Thornhill Financial Corporation.

12. After reviewing these documents and determining they were inadequate, I sent an email on July 8, 2010 advising Mr. Charles as such. I attach as **Exhibit 5** a copy of my July 8, 2010 email to Mr. Charles.

13. Although to date he has produced no checking or banking records, Mr. Charles testified under oath on March 19, 2009 [REDACTED]. In addition, Mr. Thornhill testified [REDACTED]. I attach as **Exhibit 6** excerpts of Mr. Thornhill's deposition testimony.

14. I attach as **Exhibit 7** a copy of the Order of Examination with the document requests and special interrogatories personally served on Mr. Thornhill on May 5, 2010. A copy of the proof of service is attached to this document. I note that document request no. 5 seeks:

All documents concerning bank accounts in which you have had an interest at any time during the past ten years including check registers, statements, or deposit or withdrawal receipts.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: July 22, 2010



Jeremy A. Burns